

*** NOT FOR PUBLICATION ***

NO. 26203

IN THE SUPREME COURT OF THE STATE OF HAWAII

KIRK CAMERLINGO and DOROTHY CAMER,
Plaintiffs-Appellants/Counterclaim Defendants

vs.

LORI J. KIM, STEVEN J. KIM, WESLEY W. ICHIDA and PAUL A. LYNCH,
Defendants-Appellees/Counterclaimants

and

SCOT S. BROWER, Counterclaim Defendant

APPEAL FROM THE FIRST CIRCUIT COURT
(CIV. NO. 01-1-0297)

ORDER DISMISSING APPEAL

(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

Upon review of the record, it appears that the July 29, 2003 judgment, the Honorable Eden Elizabeth Hifo, presiding, purports to be the HRCP 58 final judgment on the claims asserted in Civil No. 01-1-0297. The judgment dismisses the defendants' counterclaim, but does not enter judgment on the plaintiffs' claims, as required by Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 119-120, 869 P.2d 1334, 1338-39 (1994) (The separate judgment entered pursuant to HRCP 58 must enter judgment in favor of and against the parties on the claims resolved. "A statement that declares 'there are no other outstanding claims' is not a judgment."). The reference to the May 31, 2002 certification order on the plaintiffs' claims and the statement that "there are no remaining claims" does not constitute entry of

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judgment on the plaintiffs' claims. Thus, this appeal is premature and we lack jurisdiction. Therefore,

IT IS HEREBY ORDERED that this appeal is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, March 2, 2004.